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Page D 1

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Item 1

CIA Invokes Security in Felon's Term

Molester Sent to Jail Rather Than Prison

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A longtime CIA employee who molested two children is serving his 20-year sentence in the Fairfax County jail because agency officials, citing national security, requested that he not be sent to the state prison system.

Fairfax Commonwealth's Attorney Robert F. Horan Jr. sharply criticized the unusual arrangement yesterday and said he will ask the state to send Gerald E. Zapoli, 46, to prison. "It's kind of fascinating that this child molester is getting very different treatment than what we'd call your average child molester," Horan said.

Zapoli, a communications specialist who had been stationed in numerous countries, was sentenced to state prison in June 1988 after he was convicted of four counts of aggravated sexual battery.

Shortly afterward, the CIA requested that Zapoli, who lived in Springfield, remain in the county jail, according to Fairfax Sheriff M. Wayne Huggins.

CIA spokesman James Zirkle confirmed the agency's request, saying that the agency wanted Zapoli to serve his sentence in a jail with "less hardened people" because of concern that inmates in a prison were more likely to try to coerce classified information from him.

Horan, when told of the CIA's explanation, questioned the agency's reasoning. "That's wild that some other prisoner would want classified information. I mean, half of our robbers and murderers can't even spell 'classified information.'"

Unlike prisons, local jails generally hold inmates who are sentenced to short terms or are awaiting court hearings. Because of prison crowding, some inmates who normally would be sent to the state system are kept in the county jail, but it is

extremely unusual for a 20-year prison sentence to be served in a jail, officials said.

Horan, the county's chief prosecutor, said he learned only several weeks ago that Zapoli was not in prison, when a state employee informed him that Zapoli was seeking a pardon from Gov. Gerald L. Baliles. A spokeswoman for Baliles said Zapoli's pardon request is awaiting review by the state parole board.

Horan, who opposes a pardon, said he contacted the Virginia Department of Corrections to find out why Zapoli, who was sentenced by Circuit Judge J. Howe Brown, was still in the county jail. Horan said he has yet to receive an official explanation.

"I am really disturbed that all this has been done in the back room," said Horan, who said he was never formally notified of the CIA's request. "We go to great pains to have public trials and public disposition of cases, and the Supreme Court has reminded us many times that you've got to do these things out in the public view, and rightly so."

Zapoli's defense attorney, Robert C. Watson, did not return a reporter's phone calls. Zapoli declined to be interviewed at the county jail.

Zirkle, the CIA spokesman, said the agency was not trying to skirt the court system, but could not make its request until Zapoli was convicted. Zirkle said it is routine for the agency to protect classified information but not to intervene in such a way. "We don't have very many people who get 20-year prison terms," he said.

According to Fairfax Circuit Court records, Zapoli was employed by the CIA for nearly 20 years. In one document, he was described by a CIA security officer as an "outstanding employee." The records stated at the time that there was "still some confusion" over whether he would continue to qualify for a government pension.

Zirkle said Zapoli no longer works for the CIA. He declined to say whether Zapoli was fired or allowed to retire with a pension, saying that is confidential personnel information.

After Zapoli was sentenced, Huggins, who as sheriff oversees the county jail, said he was contacted by the CIA through Zapoli's lawyer. The sheriff said he agreed to keep Zapoli, if the Department of Corrections approved, after the CIA relayed the fact that "national security issues were at stake," Huggins said.

Huggins said no special security measures have been taken on Zapoli's behalf at the county jail in Fairfax City. Because of the seriousness of the charges against Zapoli, the sheriff said Zapoli is held on the maximum-security floor in a cellblock with as many as 15 other inmates, including drug dealers and robbers.

"There might even be a murderer or two in there," Huggins said.

Zapoli was arrested after a relative called Fairfax police and told them that a young boy had been molested by Gerald Zapoli in 1984 and 1985, Horan said. She offered to fly to Virginia, and last January she met police investigator William

Whildin at Dulles International Airport, he said.

The investigation revealed that Zapoli had fondled a second boy two times in 1986, Horan said.

In a hearing before Judge Brown, Zapoli entered four Alford pleas, which are not admissions of guilt but rather an acknowledgment that the prosecution has sufficient evidence for conviction. The judge later denied a motion by Zapoli's attorney to reconsider the sentence.

Horan said it is unfair for family members of the victims to be told Zapoli is going to prison when he is not. Some relatives said they have kept track of his whereabouts and are bitter.

"It's pretty poor that the CIA would have any part in protecting a person who commits crimes against the children in our country," said the relative, whose name is being withheld to avoid identifying her child. "I really don't care what kind of information he's got, I've got a [child] who's suffering."